

REMARKS

The instant application includes pending claims 1-65, with the examiner rejecting all such claims in the outstanding Office Action. More specifically, the examiner rejects claims 1-2, 7-23, 25, 28-39, 41, 45-58, and 60-61 as being anticipated under 35 U.S.C. § 102(e) by Madour (U.S. 2002/0114293), rejects claims 3-5, 24, 26, 40, 42, 59, and 63-65 as being obvious under 35 U.S.C. § 103(a) over Madour in view of Abrol (U.S. 2002/0068570), and rejects claims 6, 27, and 43-44 as being obvious under 35 U.S.C. § 103(a) over Madour ('293) and Abrol, in further view of Madour (U.S. 2001/0050907).

The Anticipation Rejections Based on Madour ('293)

The examiner's rejection of claims 1-2, 7-23, 25, 28-39, 41, 45-58, and 60-61 as being anticipated by Madour ('293) fail as a matter of law and must be withdrawn. The rejected claims—including independent claims 1, 25, 41, and 60—are drawn to a network entity identified as a "session controller," or to methods of using/operating a session controller. Madour ('293) does not disclose a session controller, nor does it disclose any entity having like (or even similar) functionality. The whole thrust of the examiner's arguments in some 24 pages of the Office Action is founded on the incorrect and easily disproved assertion that the base station controllers (BSCs) of Madour ('293) function as the applicant's claimed session controllers.

In Item 2 of the Office Action, the examiner asserts that Madour ('293) (at least functionally) discloses a session controller within the meaning of applicant's claims. Specifically, the examiner states that Madour ('293) discloses the claimed session controller because, equivalently, the system of Madour ('293) "includes base station controllers; further, the base station controllers [BSCs] have the capabilities to provide

control functions and physical links among the BTSs [base transceiver stations], they also provide functions as handover, cell configuration data and control; in addition, the BSCs have the intelligence to maintain communication between the mobile nodes and the PCF while a connection session is ongoing.”

Madour ('293) does disclose a form of mobility management and the BSCs of Madour ('293) do provide for handoff of mobile nodes. However, all networks of the type disclosed by Madour ('293) necessarily provide that sort of mobility management. Further, the instant application makes clear that selected known entities (e.g., PCFs, BSCs, etc.) already include handoff/transfer management functions. From the examiner's state rejection, one would think that the applicant generically tried to claim handoff/transfer management instead of the specific addition of a previously unknown session controller to facilitate such handoff/transfer management.

The system of Madour ('293) never even hints at a session controller, nor does it even hint at anything functionally like the applicant's claimed session controller. In fact, the whole thrust of Madour ('293) is the use of an “origination message” from mobile nodes (MNs) to apprise the network PDSN of the MNs' dormant state. Such messages allow the PDSN to recognize which MNs have gone dormant and, therefore, properly manage network-initiated packet data delivery to such MNs. All verbiage in Madour ('293), including the claims, is directed toward the use of such messages to better handle the management of dormant mobile station. In contrast, nothing in Madour ('293) teaches, suggests, or even hints at the use of session controller for storing and transferring MN session information in support of more efficient/accurate mobility management.

The rejection of claims under 35 U.S.C. § 102 requires that the reference identically disclose all claim limitations. Madour ('293) as a matter of law does not meet that requirement and the anticipation rejections based on it must be withdrawn. Before the examiner imposes the extra cost and time of further arguing this point in any subsequent Office Action the examiner might issue, the applicant respectfully urges the examiner to consult with a colleague regarding the teachings of Madour ('293).

The Obviousness Rejections Based on Madour ('293) and Abrol

The examiner's rejection of claims 3-5, 24, 26, 40, 42, 59, and 63-65 as being obvious over Madour ('293) in view of Abrol fails as a matter of law and must be withdrawn. Regarding the above arguments, Madour ('293) wholly fails to teach or suggest a session controller or associated methods within the meaning of any independent claim in the instant application; thus, no dependent claim can be made obvious by the combination of Madour ('293) with Abrol.

The Obviousness Rejections Based on Madour ('293), Madour ('907) and Abrol

The examiner's rejection of claims 6, 27, and 43-44 as being obvious over Madour ('293) and Abrol, in further view of Madour ('907) fails as a matter of law and must be withdrawn. Regarding the above arguments, Madour ('293) wholly fails to teach or suggest a session controller or associated methods within the meaning of any independent claim in the instant application; thus, no dependent claim can be made obvious by the combination of Madour ('293) with Abrol and/or Madour ('907).

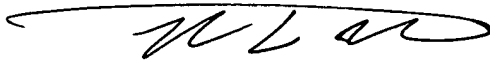
Conclusion

The primary thrust of all rejections in the outstanding Office Action is the examiner's assertion that Madour ('293) discloses the use of the applicant's claimed

session controller and/or that the handoff/transfer management functions described by Madour ('293) are equivalent to that session controller. That assertion flatly fails: Madour ('293) does not disclose the storage of session information in a functionally separate entity to facilitate the transfer/handoff of access terminals. As such, the applicant requests that the examiner review the actual teachings of Madour ('293) in careful comparison to the limitations of the claims in the instant application, and looks forward to the examiner's next correspondence.

Respectfully submitted,

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